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12 DEC 2006

ERICSSON INC.  
6300 LEGACY DRIVE  
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In re Application of  
SHOUSHENG HE  
Application No.: 10/527,783  
PCT No.: PCT/EP03/10245  
Int. Filing Date: 15 September 2003  
Priority Date: 25 September 2002  
Attorney Docket No.: P16758-US2  
For: METHOD AND APPARATUS FOR  
DC OFFSET COMPENSATION IN A  
DIGITAL COMMUNICATION  
SYSTEM

DECISION

This is a response to applicants' Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 and 1.8(b)" filed 14 September 2006 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 16 September 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(h).

On 04 August 2006, a Notification of Abandonment was mailed to applicant indicating that no reply to the 905 had been submitted.

On 14 September 2006, in response to the Notification of Abandonment, applicant filed the instant submission, which was accompanied by: a copy of "Response to Notification of Missing Requirements under 35 U.S.C. 371" and an executed declaration, in compliance with 37 CFR 1.497. Petitioner alleges that the executed declaration was submitted by facsimile on 28 September 2005.

**DISCUSSION**

A review of the application file reveals that the original declaration allegedly filed 28 September 2005 under 37 CFR 1.8 is not located in the application file.

37 CFR 1.8(b) states:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Applicant submitted a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. Applicant also provided a copy of the sending unit's report confirming transmission on 28 September 2005. Thus, Items (1), (2) and (3) above are satisfied.

The Notification of Abandonment is hereby **VACATED**.

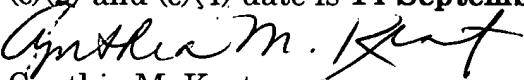
The declaration filed on 14 September 2006 is accepted in lieu of the originally filed declaration filed 28 September 2005. The \$130 surcharge for filing the declaration after the thirty month period will be charged to applicant's deposit account per their authorization. A review of the declaration reveals that it meets the requirements of 37 CFR 1.497(a) and (b).

### **CONCLUSION**

Therefore, applicants' petition under 37 CFR 1.8(b) is GRANTED. The declaration filed 14 September 2006 is accepted in lieu of the declaration, originally filed on 28 September 2005. The \$130 surcharge for filing the declaration after the thirty month period was paid.

The 04 August 2006 Notification of Abandonment is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **14 September 2006**.



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